

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
EDMUND GITTENS,

Plaintiff,

**DECLARATION OF  
DAVID M. HAZAN, ESQ.**

-against-

10 CV 8502 (PAC)

THE CITY OF NEW YORK and POLICE OFFICERS  
JOHN DOES 1-2 (names and number of whom are  
unknown at present), and other unidentified members of the  
New York City Police Department),

Defendants.  
----- x

**DAVID M. HAZAN, ESQ.** an attorney duly admitted to practice in the State of  
New York and the Southern District of New York, declares under penalty of perjury and  
pursuant to 28 U.S.C. § 1746, that the following statement is true and correct:

1. I am one of the attorneys representing the plaintiff in the above referenced  
case. As such, I am familiar with the facts and circumstances of this action. I make this  
declaration in opposition to defendant City of New York's motion to dismiss plaintiff's  
complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

2. In support of his opposition, plaintiff submits the exhibits described below:

3. Annexed hereto as Exhibit "1" is a copy of plaintiff's Complaint in Gittens v.  
City of New York, et al., 09 Civ. 9805 (LTS) (KNF).

4. Annexed hereto as Exhibit "2" is a copy of plaintiff's Complaint in the action  
Gittens v. City of New York et al., 10 Civ. 8502 (PAC).

5. Annexed hereto as Exhibit "3" is a copy of the Stipulation of Settlement and Order of Dismissal in the action Gittens v. City of New York, et al., 09 Civ. 9805 (LTS) (KNF).

6. Annexed hereto as Exhibit "4" is the General Release executed by plaintiff in Gittens v. City of New York, et al., 09 Civ. 9805 (LTS) (KNF).

Dated: New York, New York  
March 31, 2011

JACOBS & HAZAN, LLP  
*Attorneys for Plaintiff*  
22 Cortlandt Street, 16<sup>th</sup> Floor  
New York, New York 10007  
(212) 419-0363

By: David M. Hazan  
DAVID M. HAZAN, ESQ.

TO: **BY ECF AND MAIL**  
Mark D. Zuckerman, Esq.  
New York City Law Department  
Attorney for Defendant City of New York  
100 Church Street  
New York, New York 10007

Index No. 10 CV 8502 (PAC)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EDMUND GITTENS,

Plaintiff,

-against-

THE CITY OF NEW YORK and POLICE  
OFFICERS JOHN DOES 1-2 (names and number  
of whom are unknown at present), and other  
unidentified members of the New York City Police  
Department),

Defendants.

**DECLARATION OF DAVID M. HAZAN, ESQ.**

*JACOBS & HAZAN, LLP  
Attorneys for Plaintiff  
22 Cortlandt Street, 16<sup>th</sup> Floor  
New York, New York 10007  
Tel: (212) 419-0363*

*Due and timely service is hereby admitted.*

*New York, N.Y. ...., 2011*

*..... Esq.*

*Attorney for .....*